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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

APPLE INC,	x	
	:	
<i>Plaintiff,</i>	:	CIVIL ACTION NO. _____
	:	
-against-	:	DECLARATION OF
	:	MARK N. MUTTERPERL
APPLE STORY INC., FUN ZONE INC.,	:	
JANICE PO CHIANG, JOHN DOES 1-50,	:	<u>FILED UNDER SEAL</u>
and XYZ BUSINESSES,	:	
	:	
<i>Defendants.</i>	:	
	x	

I, MARK N. MUTTERPERL, declare as follows:

1. I am a partner of Fulbright & Jaworski L.L.P. and am counsel for plaintiff Apple Inc. ("Apple") in the captioned action.
2. This action seeks injunctive and other relief under various provisions of the Lanham Act, New York state statutes, and the common law requiring defendants to, among other things, stop selling, offering for sale, and distributing counterfeit Apple products. Absent the immediate relief that Apple is seeking, (i) more counterfeit products are likely to be distributed to consumers, and (ii) important evidence concerning the manufacture, sale and distribution of counterfeit Apple products may be destroyed.

3. The requested seizure has not been publicized and this declaration and the other documents filed in support of Apple's *ex parte* motion have been kept confidential and will be filed under seal.

4. The U.S. Attorney for this judicial district in which the defendants are located and in which a seizure is requested, has been notified by letter of Apple's application for an *ex parte* seizure order.

5. No previous application for this or any similar form of relief has been made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 22, 2011

  
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Mark N. Mutterperl